At the Court at Whitehall,

January the Seventeenth, 167⅘.

Present,

The Kings most Excellent Majesty

His Highness Prince *Rupert*
Lord Chancellor
Lord Treasurer
Lord Privy Seal
Duke of *Monmouth*
Lord Chamberlain
Earl of *Oxford*
Earl of *Salisbury*
Earl of *Bridgwater*
Earl of *Peterborow*
Earl of *Sunderland*
Earl of *Clarendon*
Earl of *Bathe*
Earl of *Craven*
Earl of *Ailesbury*
Earl of *Carbery*
Lord Viscount *Fauconberg*
Lord Bishop of *London*
Lord Bishop of *Durham*
Lord *Berkeley*
Lord *Maynard*
Mr. Secretary *Coventry*
Mr. Secretary *Williamson*
Mr. Chancellor of the Exchequer
Master of the Ordnance
Mr. Speaker

Eng^d Pr. Council
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There having been lately presented by the Justices of the Peace, Six Queries to his Majesty in Council, viz.

I. WHether Foreigners (Popish Recusants) that are, and have long been here setled House-keepers, and are Tradesmen, *viz.* Chirurgeons, Taylors, Perriwig-makers, or ordinary Shop-keepers, following Imployments for their own advantage, but not otherwise Merchants, but are certified to be Merchant-Strangers, shall be excused from taking the Oaths, or finding Sureties, or either of them?

II. Whether such Foreigners, being Certified by Ambassadors, or other Foreign Ministers, to be their Servants at this time, shall be excused?

III. Whether Foreigners (Popish Recusants) setled here House-keepers, but neither are Tradesmen, Travellers, or Foreign Ministers Servants, shall be excused?

IV. Whether Native Subjects of Our Sovereign Lord, that are Menial Servants of Foreign Ministers, shall be excused?

V. Whether Married Women, being Popish Recusants, but their Husbands Protestants, shall be excused?

VI. Whether Popish Recusants that have taken the Oaths, found Sureties, have appeared, and are Convict, shall find new Sureties, or be continued over?

And his Majesty having from the Judges to whom the same were Referred, received Answer in Writing in the words following,

May it please your Majesty,

We have met, and Considered of the Questions proposed to Us, and do hereby humbly return Our Opinions.

To the First We are of Opinion,

I. THat Foreigners (being Popish Recusants) and Exercising ordinary Trades, (but not Merchants) are not excused from taking the Oaths, or finding Securities.

II. To the Second, That Foreigners, though Certified by Ambassadors to be their Servants, except they are their Menial Servants, are not excused.

III. To the Third, That Foreigners, though setled House-keepers, being no Travellers, or Foreign Ministers Servants, are not excused.

IV. To the Fourth, That the Kings Native Subjects are not excused from taking the Oaths by being Menial Servants to Foreign Ministers.

V. To the Fifth, We find no Law that excuses a *Feme Covert*, being a Papist, from taking the Oaths, though her Husband be a Protestant.

VI. To the Sixth, That a Popish Recusant having taken the Oaths, is not bound to find new Sureties, unless upon a new tender of the Oaths, he shall refuse to take them.

All which with great Humility we submit to Your Majesties Judgment.

Will. Scroggs
Fra. North
W. Mountagu
W. Wylde
Tim. Littleton
Hugh Wyndham
Robert Atkyns
V. Bertie
Fr. Bramston.
Tho. Jones
W. Dolben.

His Majesty is Graciously pleased to Approve the said Report and Opinion of his Judges, and did this day Order, as it is hereby Ordered accordingly, That the Justices of the Peace in their respective Precincts, do, in Execution of their Duties touching the Particulars there mentioned, take notice of the same, and conform themselves thereunto. And this Order is to be sent to the Custos Rotulorum **of each County, that he may give Information of the same.**

ROBERT SOUTHWELL.

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